

## Office of Government Ethics

## Pt. 2641, App. B

should be used for guidance in determining how the 18 U.S.C. 207(c) bar applies when an agency or a designated component has been significantly altered.

(2) *Consultation with Office of Government Ethics.* When counseling individuals concerning the applicability of 18 U.S.C. 207(c) subsequent to significant organizational changes, the appropriate designated agency ethics official (DAEO) shall consult with the Office of Government Ethics. When it is determined that appendix B to this part no longer reflects the current organization of a parent agency, the DAEO shall promptly forward recommendations for designations or revocations in accordance with paragraph (e) of this section.

*Example 1 to paragraph (g):* An eligible former senior employee had served as an engineer in the Agency for Transportation Safety, an agency within Department X primarily focusing on safety issues relating to all forms of transportation. The agency had been designated as a distinct and separate component of Department X by the Director of the Office of Government Ethics. Subsequent to his termination from the position, the functions of the agency are distributed among three other designated components with responsibilities relating to air, sea, and land transportation, respectively. The agency's few remaining programs are absorbed by the parent. As the designated component from which the former senior employee terminated is no longer identifiable as substantially the same entity, the 18 U.S.C. 207(c) bar will not affect him.

*Example 2 to paragraph (g):* A scientist served in a senior employee position in the Agency for Medical Research, an agency within Department X primarily focusing on cancer research. The agency had been designated as a distinct and separate component of Department X by the Director of the Office of Government Ethics. Subsequent to her termination from the position, the mission of the Agency for Medical Research is narrowed and it is renamed the Agency for Cancer Research. Approximately 20% of the employees of the former agency are transferred to various other parts of the Department to continue their work on medical research unrelated to cancer. The Agency for Cancer Research is determined to be substantially the same entity as the designated component in which she formerly served, and the 18 U.S.C. 207(c) bar applies with respect to the scientist's contacts with employees of the Agency for Cancer Research. She would not be barred from contacting an employee who was among the 20% of employees who

were transferred to other parts of the Department.

(h) *Unauthorized designations.* No agency or bureau within the Executive Office of the President may be designated as a separate agency component.

### APPENDIX A TO PART 2641—POSITIONS WAIVED FROM 18 U.S.C. 207(C) AND (F)

Pursuant to the provisions of 18 U.S.C. 207(c)(2)(C) and 5 CFR 2641.301(j), each of the following positions is waived from the provisions of 18 U.S.C. 207(c) and 5 CFR 2641.204, as well as the provisions of 18 U.S.C. 207(f) and 5 CFR 2641.206. All waivers are effective as of the date indicated.

*Agency: Department of Justice*  
Positions:

United States Trustee (21) (effective June 2, 1994).

*Agency: Securities and Exchange Commission*

Positions:

Solicitor, Office of General Counsel (effective October 29, 1991).

Chief Litigation Counsel, Division of Enforcement (effective October 29, 1991).

Deputy Chief Litigation Counsel, Division of Enforcement (effective November 10, 2003).

SK-17 positions (effective November 10, 2003).

SK-16 and lower-graded SK positions supervised by employees in SK-17 positions (effective November 10, 2003).

SK-16 and lower-graded SK positions not supervised by employees in SK-17 positions (effective December 4, 2003).

### APPENDIX B TO PART 2641—AGENCY COMPONENTS FOR PURPOSES OF 18 U.S.C. 207(C)

Pursuant to the provisions of 18 U.S.C. 207(h), each of the following agencies is determined, for purposes of 18 U.S.C. 207(c), and 5 CFR 2641.204, to have within it distinct and separate components as set forth below. Except as otherwise indicated, all designations are effective as of January 1, 1991.

*Parent: Department of Commerce*  
Components:

Bureau of the Census.

Bureau of Industry and Security (formerly Bureau of Export Administration) (effective January 28, 1992).

**Pt. 2641, App. B**

Economic Development Administration.  
International Trade Administration.  
Minority Business Development Agency (formerly listed as Minority Business Development Administration).  
National Institute of Standards and Technology (effective March 6, 2008).  
National Oceanic and Atmospheric Administration.  
National Technical Information Service (effective March 6, 2008).  
National Telecommunications and Information Administration.  
United States Patent and Trademark Office (formerly Patent and Trademark Office).

*Parent: Department of Defense*

**Components:**

Department of the Air Force.  
Department of the Army.  
Department of the Navy.  
Defense Information Systems Agency.  
Defense Intelligence Agency.  
Defense Logistics Agency.  
Defense Threat Reduction Agency (effective February 5, 1999).  
National Geospatial-Intelligence Agency (formerly National Imagery and Mapping Agency) (effective May 16, 1997).  
National Reconnaissance Office (effective January 30, 2003).  
National Security Agency.

*Parent: Department of Energy*

**Component:**

Federal Energy Regulatory Commission.

*Parent: Department of Health and Human Services*

**Components:**

Administration on Aging (effective May 16, 1997).  
Administration for Children and Families (effective January 28, 1992).  
Agency for Healthcare Research and Quality (formerly Agency for Health Care Policy and Research) (effective May 16, 1997).  
Agency for Toxic Substances and Disease Registry (effective May 16, 1997).  
Centers for Disease Control and Prevention (effective May 16, 1997).

**5 CFR Ch. XVI (1–1–10 Edition)**

Centers for Medicare and Medicaid Services (formerly Health Care Financing Administration).  
Food and Drug Administration.  
Health Resources and Services Administration (effective May 16, 1997).  
Indian Health Service (effective May 16, 1997).  
National Institutes of Health (effective May 16, 1997).  
Substance Abuse and Mental Health Services Administration (effective May 16, 1997).

*Parent: Department of the Interior*

**Components:<sup>1</sup>**

Bureau of Indian Affairs (effective January 28, 1992).  
Bureau of Land Management (effective January 28, 1992).  
Bureau of Reclamation (effective January 28, 1992).  
Minerals Management Service (effective January 28, 1992).  
National Park Service (effective January 28, 1992).  
Office of Surface Mining Reclamation and Enforcement (effective January 28, 1992).  
U.S. Fish and Wildlife Service (effective January 28, 1992).  
U.S. Geological Survey (effective January 28, 1992).

*Parent: Department of Justice*

**Components:**

Antitrust Division.  
Bureau of Alcohol, Tobacco, Firearms and Explosives (effective November 23, 2004).  
Bureau of Prisons (including Federal Prison Industries, Inc.).  
Civil Division.  
Civil Rights Division.  
Community Relations Service.  
Criminal Division.  
Drug Enforcement Administration.  
Environment and Natural Resources Division.

<sup>1</sup>All designated components under the jurisdiction of a particular Assistant Secretary shall be considered a single component for purposes of determining the scope of 18 U.S.C. 207(c) as applied to senior employees serving on the immediate staff of that Assistant Secretary.

## Office of Government Ethics

Pt. 2641, App. B

Executive Office for United States Attorneys<sup>2</sup> (effective January 28, 1992).

Executive Office for United States Trustees<sup>3</sup> (effective January 28, 1992).

Federal Bureau of Investigation.

Foreign Claims Settlement Commission.

Independent Counsel appointed by the Attorney General.

Office of Justice Programs.

Office of the Pardon Attorney (effective January 28, 1992).

Offices of the United States Attorney (each of 94 offices).

Offices of the United States Trustee (each of 21 offices).

Office on Violence Against Women<sup>4</sup> (effective March 8, 2007).

Tax Division.

United States Marshals Service (effective May 16, 1997).

United States Parole Commission.

*Parent: Department of Labor*

Components:

Bureau of Labor Statistics.

Employee Benefits Security Administration (formerly Pension and Welfare Benefits Administration) (effective May 16, 1997).

<sup>2</sup>The Executive Office for United States Attorneys shall not be considered separate from any Office of the United States Attorney for a judicial district, but only from other designated components of the Department of Justice.

<sup>3</sup>The Executive Office for United States Trustees shall not be considered separate from any Office of the United States Trustee for a region, but only from other designated components of the Department of Justice.

<sup>4</sup>The Office on Violence Against Women shall not be considered separate from the Office of Justice Programs, but only from other designated components of the Department of Justice.

Employment and Training Administration.

Employment Standards Administration.

Mine Safety and Health Administration.

Occupational Safety and Health Administration.

Office of Disability Employment Policy (effective January 30, 2003).

*Parent: Department of State*

Component:

Foreign Service Grievance Board.

*Parent: Department of Transportation*

Components:

Federal Aviation Administration.

Federal Highway Administration.

Federal Motor Carrier Safety Administration (effective January 30, 2003).

Federal Railroad Administration.

Federal Transit Administration.

Maritime Administration.

National Highway Traffic Safety Administration.

Saint Lawrence Seaway Development Corporation.

Surface Transportation Board (effective May 16, 1997).

*Parent: Department of the Treasury*

Components:

Alcohol and Tobacco Tax and Trade Bureau (effective November 23, 2004).

Bureau of Engraving and Printing.

Bureau of the Mint.

Bureau of the Public Debt.

Comptroller of the Currency.

Financial Crimes Enforcement Center (FinCEN) (effective January 30, 2003).

Financial Management Service.

Internal Revenue Service.

Office of Thrift Supervision.